



ATTORNEYS AT LAW

FIRM RESUME

Johnson & Weaver, LLP is committed to delivering comprehensive, creative, and cost-effective solutions to complex legal problems. The trial lawyers at Johnson & Weaver, LLP have experience and training from some of the biggest firms in the country. We pride ourselves on providing the same level of service with the efficiency and personal touch that only a small firm can offer. Whether we're representing defrauded individuals or publicly-traded corporations, Johnson & Weaver, LLP has a track record of success.

OUR ATTORNEYS

FRANK J. JOHNSON

Mr. Johnson is one of the founding partners of Johnson & Weaver, LLP. Prior to starting his own law firm, Mr. Johnson was a partner in the law firm Sheppard, Mullin, Richter & Hampton LLP, a full-service Am Law 100 law firm with more than 500 attorneys in nine offices located throughout the world. Mr. Johnson has represented some of the largest well-known companies in the country in complex business disputes. He has conducted both jury and non-jury trials in state and federal court.

Areas of Practice: Mr. Johnson's practice focuses on complex litigation. Mr. Johnson has extensive experience in all aspects of trial practice, mediation, trial preparation, and non-jury and jury trials in state and federal court. In addition to his general trial practice, Mr. Johnson has both prosecuted and defended a number of cases involving securities fraud in class actions and derivative cases.

Professional Qualifications and Activities: Mr. Johnson was admitted to the State Bar of California in 1994. He has an AV rating with Martindale-Hubble which indicates very high to preeminent legal ability and very high ethical standards as established by confidential opinions from members of the Bar. He

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was also selected as a SuperLawyer in 2009 & 2010. He is currently admitted in good standing with the following courts:

- All courts of the State of California
- The United States Court of Appeals for the Ninth Circuit
- The United States Court of Appeals for the Third Circuit
- The United States District Courts for the Southern, Central and Northern Districts of California
- The United States Court of Federal Claims

Mr. Johnson is also a member of the following professional organizations:

- The San Diego County Bar Association
- The Federal Bar Association
- The Litigation Section of the State Bar of California
- SD Regional Chamber of Commerce, Vice Chair Tech Comm. (2002-03, 2003-04, 2004-05)

Mr. Johnson completed the following trial advocacy programs:

- San Diego County District Attorney one-month misdemeanor jury trial program
- Louis M. Welsh American Inn of Court, one year program
- San Diego Inn of Court College of Advocacy, multi-week trial course
- San Diego Inn of Court College of Advocacy, multi-week evidence course

Following graduation from law school in 1994, Mr. Johnson served as a judicial law clerk for one year for the Honorable John S. Rhoades, a federal trial judge in the United States District Court for the Southern District of California.

Education and Awards: Mr. Johnson received his Juris Doctorate degree from Washington University School of Law in 1994, where he was in the top 10% of his class while in attendance. In his first year of law school, Mr. Johnson received the American Jurisprudence Award in Contracts for obtaining the highest grade in the school. At both Washington University School of Law and the University of San Diego School of Law (where Mr. Johnson was a visiting student in his third year), Mr. Johnson won first place awards in each school's Moot Court Competition. He received his Bachelor of Science degree in Business Administration with an emphasis in Finance from San Diego State University in

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1990, where he graduated second in his class major, with honors and *summa cum laude*.

BRETT M. WEAVER

Mr. Weaver is one of the founding partners of Johnson & Weaver, LLP. Before forming Johnson & Weaver, LLP, Mr. Weaver was an associate at the mid-sized San Diego firms of Johnson Bottini, LLP, Butz Dunn DeSantis & Bingham and Mazzarella Dunwoody & Caldarelli.

Areas of Practice: In addition to complex business litigation, Mr. Weaver's practice areas include consumer class actions, securities litigation, professional-malpractice and malicious prosecution cases, employment law, and real-estate disputes. Mr. Weaver has also handled a number of anti-SLAPP cases arising from the exercise of free speech and petitioning activities. Mr. Weaver litigates cases in both state and federal court and has handled all aspects of litigation including mediation, arbitration, trial preparation, jury trials and appeals.

Professional Qualifications and Activities: Mr. Weaver is admitted in good standing with the following courts:

- All courts of the State of California
- The United States District Court for the Southern, Central and Northern Districts of California
- The United States Court of Appeals for the Ninth Circuit

Mr. Weaver completed the following trial advocacy programs:

- Louis M. Welch American Inn of Court, one year program
- San Diego Inn of Court, multi-week evidence course

During law school, Mr. Weaver served as a judicial extern for Justice Judith L. Haller at the California Court of Appeal (4th District, Division 1) and Hon. J. Richard Haden (Ret.) at the San Diego Superior Court.

Education and Awards: Mr. Weaver received his Juris Doctorate degree from the University of Arizona College of Law in 1999. Mr. Weaver actively participated in Moot Court and was named a member of the Moot Court Board, National Moot Court Team and was named the school's Most Outstanding Oral Advocate. Mr. Weaver graduated with honors from the University of Arizona in 1996, receiving a B.A. in Political Science.

KEITH M. COCHRAN

Areas of Practice: Mr. Cochran practices in securities and ERISA class action litigation and complex civil litigation. He has experience in all aspects of trial practice, mediation, and trial preparation in state and federal court.

Professional Qualifications: Before joining Johnson & Weaver, LLP in 2009, Mr. Cochran was an associate at the San Diego office of Luce Forward Hamilton & Scripps LLP. His practice focused primarily on defending clients in complex civil litigation matters, including commercial contract disputes, unfair competition/business practices, and trade secret litigation. In addition, he served as a judicial extern to United States Magistrate Judge William McCurine Jr. of the Southern District of California in 2007.

Mr. Cochran is admitted to practice before all courts of the State of California and the United States District Courts for the Southern, Central, and Eastern Districts of California.

Education: Mr. Cochran received his law degree cum laude in 2007 from the University of San Diego School of Law. He received his Masters degree in Economics from the University of California at Santa Barbara in 2004. He received his Bachelors of Science degree in Mechanical Engineering from the University of California at Santa Barbara in 2003.

SHAWN E. FIELDS

Areas of Practice: Mr. Fields practices in securities and consumer fraud class action litigation and complex civil litigation. He has extensive experience in all aspects of trial practice and discovery, as well as mediation and trial preparation in state and federal court.

Professional Qualifications and Activities: Before joining Johnson & Weaver, LLP in August 2010, Mr. Fields was a litigation associate at the San Francisco office of Latham & Watkins, LLP. His practice focused primarily on defending corporate clients in complex civil litigation. Representative matters include:

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- defending a Fortune 500 company in an antitrust SEC enforcement action;
- defending an executive in a white collar criminal action in federal court;
- defending a major corporation in a price-fixing class action in federal court; and
- defending a technology company in a patent infringement action in federal court.

Mr. Fields also managed Latham & Watkins' pro bono practice, during which time he represented numerous immigrant families seeking humanitarian relief in immigration court and regularly defended homeless criminal defendants in San Francisco Superior Court.

Mr. Fields also served for one year as the Tanzania Country Director for Asylum Access, a global refugee legal aid organization. In this role he supervised the legal representation of over 500 Congolese refugees and advanced significant legal and policy changes before the United Nations and government of Tanzania.

Mr. Fields is admitted to practice before all courts of the State of California and the United States District Courts for the Southern, Central, and Eastern Districts of California.

Education: Mr. Fields received his law degree magna cum laude from Boston University School of Law in 2007, where he served for two years on the Boston University Law Review. He received his Bachelor of Arts degree in Political Science from Yale University in 2003.

Publications: Constitutional Comparativism and the Eighth Amendment: How a Flawed Proportionality Requirement Can Benefit From Foreign Law, 86 B.U. L. Rev. 963 (October 2006).

The U.S. Response to Human Trafficking: An Unbalanced Approach, Women's Commission for Refugee Women and Children (May 2007) (substantive drafter; published by Latham & Watkins LLP).

Private Crimes and Public Forgiveness: Towards a Refined Restorative Justice Amnesty Regime, Intl. J. Civ. Soc. L., Vol. V, Issue II (April 2007) (online only).

Prisoner Access to the Courts and the Actual Injury Requirement: How the Standing Paradox in Lewis v. Casey Threatens the Future of Prisoners' "Most

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Fundamental Right” (April 2007) (presented at Northwestern University School of Law faculty workshop).

An Act Further Protecting Victims of Domestic Violence, House No. 30, Massachusetts General Assembly (2005-2006 Session); accompanied by supporting position paper The Urgent Need for Increased Law Enforcement Protection of Trafficking Victims of Domestic Violence, Signed into law as Chapter 418 of the Acts of 2006 (January 2007).

COURTLAND W. CREEKMORE

Areas of Practice: Mr. Creekmore focuses on representing investors, consumers, and employee in state and federal class actions.

Professional Qualifications:

Prior to joining Johnson & Weaver, LLP, Mr. Creekmore worked as an associate in the San Diego office of Coughlin Stoia Geller Rudman & Robbins, LLP.

Mr. Creekmore is licensed to practice in California and Washington State.

REPRESENTATIVE MATTERS

The attorneys at Johnson & Weaver, LLP, have been Lead Counsel, Co-Lead Counsel, or played a significant role in the following matters:

- *Rubin v. Reinhard, et al.*, Case No. 37-2008-00091039-CU-NP-CTL (Superior Court for the State of California, County of San Diego). Johnson & Weaver, LLP's predecessor firm was sole lead counsel in this derivative lawsuit. After the company filed a petition for relief under Chapter 7 of the Bankruptcy Code, the Bankruptcy Trustee retained Johnson & Weaver, LLP's predecessor firm as special litigation counsel to prosecute claims for breach of fiduciary duty against certain officers and directors. After several years of hard fought litigation, the Estate in Bankruptcy reached a multi-million dollar settlement.
- *International Real Estate PLC v. Oaktree Capital Management, LLC, et al.*, Case No. BC 324973 (Superior Court for the State of California, County of Los Angeles). International Real Estate (a public company with shares listed on the London Stock Exchange) retained Johnson & Weaver, LLP's predecessor firm to pursue claims for breach of fiduciary duty against former directors of a joint venture company. That case involved alleged damages of approximately \$20 million and ultimately settled on favorable terms.
- *In re Brocade Communications, Systems, Inc. Derivative Litig.*, Case No. 1:05cv41683 (Superior Court for the State of California, County of Santa Clara). Johnson & Weaver, LLP's predecessor firm was Co-Lead Counsel in one of the highest-profile cases in the country challenging the award of backdated stock options by executive officers of Brocade. The case was filed in May 2005 and settled in 2010. On August 8, 2008, Johnson & Weaver, LLP's predecessor firm was retained as co-counsel to Brocade by the Special Litigation Committee of the Board of Directors of Brocade to help litigate the company's claims against ten former officers and directors of the company. After years of litigation, over \$24 million was recovered for the company.
- *In re the Titan Corp. Derivative Litig.*, Case No. GIC 832018 (Superior Court for the State of California, County of San Diego). Mr. Johnson was Co-Lead Counsel in the derivative lawsuit that involved claims against Titan's officers and directors for breach of fiduciary duty. The claims were settled after plaintiffs negotiated \$29 million in increased consideration to Titan's shareholders in an all-cash merger acquisition.

- *Greenland Corp. v. Bonar, et al.*, Case No. GIC 842605 (Superior Court for the State of California, County of San Diego). Greenland Corporation, a public traded company located in San Diego, retained Johnson & Weaver, LLP's predecessor firm to pursue claims for breach of fiduciary duty against several former officers and directors. The case settled with a significant payment to Johnson & Weaver's client.
- *In re Mentor Corp. Shareholder Litig.*, Case No. 1304537 (Superior Court for the State of California, County of Santa Barbara). Johnson & Weaver, LLP's predecessor firm was appointed Co-Lead Counsel (along with Coughlin, Stoia, Geller, Rudman & Robbins LLP) in this shareholder class action case which challenges the fairness of the tender offer submitted by Johnson & Johnson for all the public shares of Mentor Corp.
- *Green Meadows Partners, LLP v. Tompkinson (Impac Mortgage Securities Litig.)*, Case No. SACV 06-91 (United States District Court for the Central District of California), the Honorable Cormac Carney appointed Johnson & Weaver, LLP's predecessor firm Co-Lead counsel in a case where seven derivative complaints and competing motions for lead counsel had been filed. After a year and a half of litigation, Judge Carney approved the settlement agreement that required implementation of significant corporate therapeutic changes.
- *In re Dell, Inc. Derivative Litig.*, Case No. 1:06-cv-00839 (United States District Court for the Western District of Texas). By order dated March 1, 2007, the Honorable Sam Sparks appointed Johnson & Weaver, LLP's predecessor firm Co-Lead Counsel in this shareholder derivative action. The district court dismissed the action after finding that the shareholders should make a demand on the board of directors to investigate the claims further. Such a demand was made and after an intensive round of negotiations, the company agreed to the implementation of significant corporate therapeutic changes to improve the company and prevent the recurrence of similar problems in the future.
- *In re Sunterra Corp. Shareholder Litigation*, Case No. A525433 (Eighth Judicial District Court for the State of Nevada, County of Clark). Johnson & Weaver, LLP's predecessor firm was Co-Lead Counsel in this shareholder action challenging the fairness and disclosures made in SEC filings pertaining to a buyout offer for the company and certain actions by present and former officers and directors of Sunterra. The case was settled in 2007

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when Sunterra agreed to file a supplemental filing with the United States Securities and Exchange Commission providing additional material information pertaining to the tender offer.

- *Deane v. Tombros et al.*(*NPS Pharmaceuticals Securities Litig.*), Case No. 60913838 (Third Judicial District Court, Salt Lake City, Utah). Johnson & Weaver, LLP's predecessor firm was Lead Counsel in this shareholder derivative action filed against current and former officers and directors of NPS Pharmaceuticals, Inc. This matter was settled on terms that require the implementation of significant corporate therapeutic changes.
- *In re Ambac Financial Group, Inc. Derivative Litigation*, Case No. 08-CV-854 (United States District Court for the Southern District of New York). Johnson & Weaver, LLP's predecessor firm was appointed Co-Lead Counsel in this shareholder derivative action filed against current and former officers and directors of Ambac Financial Group, Inc. The matter was prosecuted vigorously until the company ultimately filed bankruptcy.
- *In re Heelys Inc. Derivative Litigation*, Case No. 07-CV-1682 (United States District Court for the Northern District of Texas). Johnson & Weaver, LLP's predecessor firm was appointed Co-Lead Counsel in this shareholder derivative action filed against current and former officers and directors of Heelys Inc. After more than a year of litigation and multiple mediations, this matter was settled on terms that require the implementation of significant corporate therapeutic changes.
- *In re Motorola, Inc. Derivative Litigation*, Case No. 07CH23297 (Circuit Court of Cook County, Illinois). Johnson & Weaver, LLP's predecessor firm was appointed Co-Lead Counsel in this shareholder derivative action filed against current and former officers and directors of Motorola, Inc. This matter is ongoing.
- *Baker v. Visa International Corp.*, Case No. 06cv0376 (Superior Court for the State of California, County of San Diego), Johnson & Weaver, LLP's predecessor firm was appointed Co-Lead Counsel for this nationwide consumer class action that was filed in 2006 against Visa International Corp. for wrongfully assessing undisclosed fees on consumers by manipulating the currency conversion rates when consumers used their Visa Card for purchases in other countries. This matter was removed to federal court, and transferred by the Judicial Panel on Multidistrict Litigation to the United States District Court for the Southern District of New York to be coordinated with the *In re Currency Conversion Fee Antitrust Litigation*.

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The Court approved a settlement that provided for \$336 million for the class members.

TESTIMONIALS

Johnson & Weaver, LLP's predecessor firm is "exceptionally qualified and experienced." *Greenmeadows Partners LLP v. Tomkinson, et al.*, C.D. Cal. Case No. SACV 06-91 CJC (appointing Johnson Law Firm lead counsel in a complex shareholder derivative litigation in which six separate lawsuits were filed).

The Honorable Cormac J. Carney
United States District Court Judge
Central District of California

As chairman of the board of a public company, I retained Johnson Law Firm, one of the founding partners of Johnson & Weaver, LLP, to pursue claims for breach of fiduciary duty for millions of dollars against former directors of a company formed in England. I have retained law firms throughout the world and found Johnson Law Firm and its lawyers to be superb. Mr. Johnson was very responsive and he grasped complex corporate matters involving international real estate transactions. Johnson Law Firm aggressively litigated my company's claims against several defendants who were represented by one of the largest law firms in the world. This case was very complex and complicated and involved three jurisdictions (U.S., Europe, and Sweden). Johnson Law Firm played an instrumental role in bringing the whole case to a successful settlement out of court. We ultimately reached a resolution short of trial with which I was very pleased.

Rolf L. Nordström
Chairman of the Board
International Real Estate PLC

While I was the Executive Vice President and Chief Financial Officer for a publicly traded company, I consulted Frank Johnson on various legal issues. As CFO I was responsible for SEC reporting requirements and compliance with GAAP. In addition, I successfully completed the public offering of the company's stock which was a consistent top performer on the NASDAQ from 1998 to 1999. During the ten years I've known him, I've been very impressed with Mr. Johnson's integrity, business acumen, and understanding of complex securities issues. Based upon these factors, I retained Johnson Law Firm, one of the founding partners of Johnson & Weaver, LLP, to represent me in matters where it appeared that a public company's officers or directors engaged in fraudulent conduct to the detriment of the company's shareholders (of which I was one). As a former CFO for a public company and as a shareholder, I can say with confidence that this firm has proven

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to be aggressive and astute in identifying claims for fraudulent conduct in connection with the sale of publicly traded securities.

James Baker
Chief Cost Reduction Officer
DCI Solutions

While I was assistant general counsel for GNC Corporation, a publicly traded company at the time, I had the good fortune of working with Frank Johnson as GNC's lawyer. While he was at Sheppard Mullin, he successfully defended GNC in several matters, including a consumer class action and various business litigation matters. I have since left GNC Corporation and am now a partner at one of the largest law firms in the country. I have worked with Johnson Law Firm on various matters, including a jury trial in San Diego, California. Mr. Johnson proved to be an exceptional trial lawyer who assisted my firm in obtaining an outstanding verdict in our client's favor. I have recommended Johnson & Weaver, LLP without reservation to both clients and lawyers who need highly skilled and effective representation.

Gerald J. Stubenhofer, Esq.
Partner
McGuire Woods LLP

In 2004, Axeus, Inc. was using Sheppard Mullin, a large law firm, for nearly all of its legal matters. When Frank Johnson, who was then a partner at Sheppard Mullin, announced that he was departing to start his own law firm, I did not hesitate in my decision to send all of Axeus's litigation work to Mr. Johnson. At the time, Axeus was embroiled in a huge legal battle involving more than 20,000 pages of evidence and millions of dollars. Johnson Law Firm, one of the founding partners of Johnson & Weaver, LLP, helped Axeus successfully resolve that matter and has since handled several litigation matters for Axeus, all with outstanding results. I have worked with many different law firms over the years and I can say with confidence that Mr. Johnson is one of the best lawyers I've worked with. He understands what is important to his clients: excellent legal work and value. While other firms may be less expensive, Johnson Law Firm provides value for its fees.

Sean H. Mallean
President & CEO
Axeus, Inc.

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Johnson Law Firm, one of the founding partners of Johnson & Weaver, LLP, was Awesome! They were professional, organized and as evidenced by juror testimonials following a one-week jury trial.... extremely effective. On claims for breach of contract and fraud, Johnson Law Firm won a 7 figure verdict for me and my company and I will forever be grateful. You never realize how important it is to have a good attorney until you need one!

Ronald T. Fricke
President
Healthy Life Marketing, LLC

I am the owner of Natural Energy, which was established in 1977 and is the largest solar energy company in the western United States. Although we have an exceptional reputation, as with any large company, legal disputes are sometimes inevitable. After using a number of law firms, for the past several years Natural Energy has used Johnson Law Firm, one of the founding partners of Johnson & Weaver, LLP, for all of its business litigation matters, from general business disputes to successfully getting a baseless class action dismissed. The lawyers at Johnson & Weaver, LLP are aggressive, have a strong work ethic and, of utmost importance to me, have unquestionable integrity. I have the utmost faith and confidence in Johnson & Weaver, LLP.

Ted Mount
Owner
Natural Energy